

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.

2011 MAR 22 AM 11:53

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

CLERK *RW*
SO. DIST. OF GA.

JAI DEVON LEE,

Petitioner,

v.

CIVIL ACTION NO.: CV610-093

STATE BOARD OF PARDONS &
PAROLES and BRIAN OWENS,
Commissioner, Georgia Department
of Corrections,


Respondents.

ORDER

Brian Owens, Commissioner of the Georgia Department of Corrections, filed a Motion to Dismiss Petitioner's action which was brought pursuant to 28 U.S.C. § 2254. Respondent asserts that Petitioner has failed to exhaust his available state remedies as he never filed a state habeas corpus action challenging the revocation of his parole. By Order of this Court dated January 20, 2011, Petitioner was allowed until February 13, 2011, to advise the court whether he asserts that he has exhausted his claims. By Order dated February 22, 2011, the Court extended that time to respond until March 11, 2011. Petitioner was advised that if he did not establish sufficient exhaustion, the court would enter an Order dismissing this action, without prejudice. Petitioner has failed to respond to the Court's Orders and

to Respondent's Motion to Dismiss. Accordingly, the petition is **DISMISSED**, without prejudice, pursuant to Rose v. Lundy, 455U.S. 509, (1982). The Clerk of Court is authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 22nd day of March, 2011.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA